

In the United States Bankruptcy Court
For the Eastern District of Pennsylvania

John J. Lynch

No. # 1600301-2016 AMC

Evelyn Rivera

In Re Evelyn Rivera No. # 16269-2016 AMC

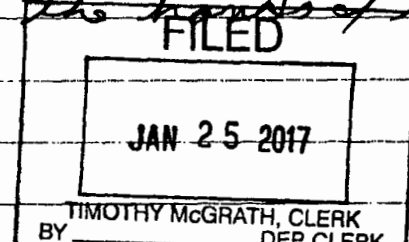
By adversary

Motion/Petition to Consolidate for Appeal

to the Chief Judge of the Court;

John J. Lynch adversary petitions and/or otherwise moves to consolidate the above captioned matters for appeal before the United States District Court for the Eastern District of Pennsylvania, and represents the following:

1. As it is illustrated by the exhibits attached to the petition to appeal Nunc Pro Tunc the order of the court was delayed in being delivered into the hands of the appellant,



- 2 The issues as to non discharge ability ring in both matters.
- 3, the issues as to the insurance coverage being accessible to the appellant under Ba. R., C. P. 3159 A (4) ring in both matters
- 4, That by filing a Bankruptcy before this Court the Petitioner opened the door and placed the entire estate including the ~~the~~ issue of the insurance payout, as well as loss of lien priority for lack of that required coverage on the interest of Both the owner, and other interested parties in the estate.
- 5, that the adversary holds judgement for personal injury of a permanent nature to his left eye, caused by the debtors willful conduct in opening a locked door to dangerous, and violent persons, and did bring a violent episode into the adversary Residence as discussed in Petitioners response to motion to dismiss, instead of waiting for the police to arrive.

6. That the Estate must produce the Insurance information so a claim may be processed, and paid or suffer the loss in the amount owed by the judicial lien for the willful conduct that caused the injury as stated.
7. That it is economic and time saving in the consideration of the matter for appeal,

Respectfully
Submitted
Josh Lynch
1-18-17

Certificate of Service

I John J Lynch certifies herein that I have served the attached I F P, and notice of appeal upon the persons listed below by 1st class mail on the 18th day of January 2017 (along with Motion to Consolidate)

John J Lynch

1. Jennifer Schultz Esq
1410 West Erie Ave
Phila PA 19104

2. Gary F Deitz Esq
U S Trustee
601 Walnut St
suite # 280
Phila PA 19106

3. Representing Bayview
KML Group LLC
701 Market St
Phila PA 19106

3. Evelyn Riviera
10814 Madona Terr.
Phila PA 19154

727OBJ, DISPOAP, DISMISSED, APPEAL

**U.S. Bankruptcy Court
Eastern District of Pennsylvania (Philadelphia)
Adversary Proceeding #: 16-00301-amc**

Assigned to: Judge Ashely M. Chan

Date Filed: 09/12/16

Lead BK Case: 16-16269

Date Dismissed: 11/30/16

Lead BK Title: Evelyn Rivera

Lead BK Chapter: 7

Demand: \$50000

Nature[s] of Suit: 21 Validity, priority or extent of lien or other interest in property
31 Approval of sale of property of estate and of a co-owner - 363(h)
41 Objection / revocation of discharge - 727(c),(d),(e)
68 Dischargeability - 523(a)(6), willful and malicious injury
91 Declaratory judgment

Plaintiff

John J. Lynch

3281 Red Lion Road

Apt. #1

Philadelphia, PA 19114

represented by **John J. Lynch**
PRO SE

V.

Defendant

Evelyn Rivera

10814 Modena Ter

Philadelphia, PA 19154

SSN / ITIN: xxx-xx-2232

represented by **JENNIFER SCHULTZ**
Community Legal Services
North Philadelphia Law Center
1410 W. Erie Avenue
Philadelphia, PA 19140-4111
215 227-2400x2420
Fax : 215 227-2435
Email: jschultz@clsphila.org
LEAD ATTORNEY

Defendant

BANK OF AMERICArepresented by **KEVIN G. MCDONALD**

Blank Rome LLP

One Logan Square

Philadelphia, PA 19103

215-569-5582

Fax : 215-832-5582

Email: KMcdonald@blankrome.com***Defendant***
-----**Bayshore Loan Servicing**represented by **KEVIN G. MCDONALD**

(See above for address)

Defendant
-----**KML Group, Inc.**represented by **THOMAS I. PULEO**

KML Law Group, P.C.

701 Market Street

Suite 5000

Philadelphia, PA 19106

(215) 627-1322

Fax : (215) 627-7734

Email: tpuleo@kmlawgroup.com

Filing Date	#	Docket Text
09/12/2016	<u>1</u>	Adversary case 16-00301. Complaint by John J. Lynch against Evelyn Rivera , BANK OF AMERICA , Bayshore Loan Servicing , KML Group, Inc. . Fee Amount \$0.00 . (Attachments: # <u>1</u> Adversary Coversheet # <u>2</u> Certificate of Service) (21 (Validity, priority or extent of lien or other interest in property)) ,(31 (Approval of sale of property of estate and of a co-owner - 363(h))) ,(41 (Objection / revocation of discharge - 727(c),(d),(e))) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury)) ,(91 (Declaratory judgment)) (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	<u>2</u>	Petition to Proceed In Forma Pauperis Filed by John J. Lynch (related document(s) <u>1</u>). (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	<u>3</u>	1 Summons Issued to Plaintiff(s) to be served upon Defendant(s) BANK OF AMERICA Date Issued 9/12/2016,

		Answer Due 10/12/2016; Bayshore Loan Servicing Date Issued 9/12/2016, Answer Due 10/12/2016; KML Group, Inc. Date Issued 9/12/2016, Answer Due 10/12/2016; Evelyn Rivera Date Issued 9/12/2016, Answer Due 10/12/2016. (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	● <u>4</u>	Court's Certificate of Mailing. Number of notices: 1 John J. Lynch(pla)(related document(s) <u>1</u> , <u>3</u>). (G., Jennifer) (Entered: 09/12/2016)
09/26/2016	● <u>5</u>	Summons Service Executed on BANK OF AMERICA 9/26/2016; Bayshore Loan Servicing 9/26/2016; KML Group, Inc. 9/26/2016; Evelyn Rivera 9/26/2016 . (D., Stacey) (Entered: 09/27/2016)
09/26/2016	● <u>6</u>	Order Re: Upon consideration of the petition to proceed in Forma Pauperis, it is hereby Ordered that the petition is Denied. Plaintiff shall have 30 days from the date of this order to pay the required filing fee. (related document(s) <u>2</u>). (D., Stacey) (Entered: 09/27/2016)
09/29/2016	● <u>7</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>6</u>)). No. of Notices: 3. Notice Date 09/29/2016. (Admin.) (Entered: 09/30/2016)
10/10/2016	● <u>8</u>	Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel). (Attachments: # <u>1</u> Brief in Support of the Motion of Defendant, KML LAW GROUP,P.C., to Dismiss Plaintiff's Adversary Complaint # <u>2</u> Exhibit A-H # <u>3</u> Proposed Order # <u>4</u> Service List) (PULEO, THOMAS) (Entered: 10/10/2016)
10/10/2016	● <u>9</u>	Notice of (related document(s): <u>8</u> Motion to Dismiss Adversary Proceeding) Filed by KML Group, Inc.. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (Attachments: # <u>1</u> Service List)(PULEO, THOMAS) (Entered: 10/10/2016)
10/12/2016	● <u>10</u>	Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Service List # <u>3</u> Volume(s) brief in support) (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	● <u>11</u>	Notice of Appearance and Request for Notice <i>with Certificate of</i>

		Service by KEVIN G. MCDONALD Filed by KEVIN G. MCDONALD on behalf of BANK OF AMERICA, Bayshore Loan Servicing. (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/12/2016	● <u>12</u>	Notice of (related document(s): <u>10</u> Motion to Dismiss Adversary Proceeding) Filed by Evelyn Rivera. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	● <u>13</u>	Certificate of Service Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera (related document(s) <u>10</u> , <u>12</u>). (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	● <u>14</u>	Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). (Attachments: # <u>1</u> Memorandum of Law in Support # <u>2</u> Exhibits 1-5 # <u>3</u> Proposed Order # <u>4</u> Service List # <u>5</u> Notice of Motion to Dismiss) (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/13/2016	● <u>15</u>	Notice of (related document(s): <u>14</u> Motion to Dismiss Case. Motion to Dismiss Adversary Complaint) Filed by BANK OF AMERICA , Bayshore Loan Servicing . Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (D., Stacey) (Entered: 10/13/2016)
10/14/2016	● <u>16</u>	Notice of Appeal to District Court . Receipt Number 0, Fee Amount \$0 Filed by John J. Lynch (related document(s) <u>6</u>). Appellant Designation due by 10/28/2016. Transmission of record on appeal to District Court Due Date:11/11/2016. cc: Judge Ashely M. Chan, District Court, Jennifer Schultz, Kevin McDonald, Thomas Puelo, United States Trustee, Gary Seitz, John J. Lynch. (D., Stacey) Additional attachment(s) added on 10/18/2016 (D., Stacey). (Entered: 10/18/2016)
10/18/2016	● <u>17</u>	Court's Certificate of Mailing. Number of notices: 8, Judge Ashely M. Chan, District Court, Jennifer Schultz, Kevin McDonald, Thomas Puelo, U.S. Trustee, Gary Seitz, John Lynch. (related document(s) <u>16</u>). (D., Stacey) Modified on 10/18/2016 (D., Stacey). (Entered: 10/18/2016)
10/18/2016	● <u>18</u>	Transmission of Notice of Appeal to District Court (related document(s) <u>16</u>). (D., Stacey) (Entered: 10/18/2016)

10/18/2016	● <u>19</u>	Hearing Continued on Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel), Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). and Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). Hearing Rescheduled to 11/30/2016 at 11:00 AM at nix5 - Courtroom #5. (T., Barbara) (Entered: 10/18/2016)
10/18/2016	● <u>20</u>	Notice of Docketing Record on Appeal to District Court. Case Number: 16-5493 , Judge Rufe (related document(s) <u>16</u>). (D., Stacey) (Entered: 10/21/2016)
10/18/2016	● <u>21</u>	** Duplicate of Doc. # 20 ** Notice of Docketing Record on Appeal to District Court. Case Number: 16-5493, Judge Rufe. (related document(s) <u>16</u>). (D., Stacey) Modified on 10/25/2016 (D., Stacey). (Entered: 10/25/2016)
11/03/2016	● <u>22</u>	Response to Motion to Dismiss Case for Other filed by Defendant BANK OF AMERICA, Defendant Bayshore Loan Servicing Filed by John J. Lynch (related document(s) <u>14</u>). (D., Stacey) (Entered: 11/03/2016)
11/22/2016	● <u>23</u>	Transmittal of Record on Appeal to District Court (related documents <u>16</u> Notice of Appeal) Filed by John J. Lynch (# 16-5493) (related document(s) <u>16</u>). (D., Stacey) (Entered: 11/22/2016)
11/23/2016	● <u>24</u>	District Court Acknowledgement of receiving Notice of Appeal. # 16-5493. (related document(s) <u>16</u>). (D., Stacey) (Entered: 11/28/2016)
11/30/2016	● <u>25</u>	Hearing Held on <u>8</u> Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel). (Attachments: # 1 Brief in Support of the Motion of Defendant, KML LAW GROUP,P.C., to Dismiss Plaintiff's Adversary Complaint # 2 Exhibit A-H # 3 Proposed Order # 4 Service List) filed by Defendant KML Group, Inc., <u>10</u> Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # 1 Proposed Order # 2 Service List # 3 Volume(s) brief in support) filed by Defendant Evelyn Rivera,

		<u>14</u> Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). (Attachments: # 1 Memorandum of Law in Support # 2 Exhibits 1-5 # 3 Proposed Order # 4 Service List # 5 Notice of Motion to Dismiss) filed by Defendant BANK OF AMERICA, Defendant Bayshore Loan Servicing (related document(s), <u>14,8,10</u>). Order entered. (D., Stacey) (Entered: 12/01/2016)
11/30/2016	● <u>26</u>	Hearing Held on {8} <u>10 14</u> , Motion to dismiss adversary proceeding. Order entered . (D., Stacey) (Entered: 12/01/2016)
11/30/2016	● <u>27</u>	Hearing Held on <u>8 10 14</u> Motion to dismiss adversary proceeding. Order entered. (D., Stacey) (Entered: 12/01/2016)
11/30/2016	● <u>28</u>	Order Granting Motion to Dismiss Adversary Proceeding with prejudice. (Related Doc # <u>10</u>) (D., Stacey) (Entered: 12/01/2016)
11/30/2016	● <u>29</u>	Order Granting Motion to Dismiss Adversary Proceeding with prejudice. (Related Doc # <u>8</u>) (D., Stacey) (Entered: 12/01/2016)
11/30/2016	● <u>30</u>	Order Granting Motion to Dismiss adversary complaint with prejudice. (Related Doc # <u>14</u>) (D., Stacey) (Entered: 12/01/2016)
12/01/2016	●	Disposition of Adversary 2:16-ap-301 dismissed (related document(s) <u>5, 1</u>). (D., Stacey) (Entered: 12/01/2016)
12/03/2016	● <u>31</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>28</u>)). No. of Notices: 3. Notice Date 12/03/2016. (Admin.) (Entered: 12/04/2016)
12/03/2016	● <u>32</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>29</u>)). No. of Notices: 3. Notice Date 12/03/2016. (Admin.) (Entered: 12/04/2016)
12/03/2016	● <u>33</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>30</u>)). No. of Notices: 3. Notice Date 12/03/2016. (Admin.) (Entered: 12/04/2016)
12/08/2016	● <u>34</u>	Copy of Order Re: The Appellant shall serve and file his brief within 15 days after the date of reassignment. The Appellee shall serve and file briefs within 15 days after service of the brief of

		the Appellant. The Appellant may serve and file a reply brief within 10 days after service of the brief of the Appellee . (D., Stacey) (Entered: 12/14/2016)
01/04/2017	<u>35</u>	Copy of Order Re: Upon review of the Court's records indicating that Appellant has not filed a brief in the above captioned matter despite a court order to do so by December 20, 2016 (Doc. #3), it is hereby Ordered that Appellant shall serve and file a brief by Wednesday, January 18, 2017. (D., Stacey) (Entered: 01/09/2017)
01/11/2017	<u>36</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>35</u>)). No. of Notices: 3. Notice Date 01/11/2017. (Admin.) (Entered: 01/12/2017)
01/18/2017	<u>37</u>	(Copy) Notice of Appeal to District Court. . Receipt Number 0, Fee Amount \$0 Filed by John J. Lynch (related document(s) <u>30</u> , <u>28</u> , <u>29</u>). Appellant Designation due by 2/1/2017. Transmission of record on appeal to District Court Due Date:2/15/2017. CC: Judge Chan, District Court, Jennifer Schultz, U.S. Trustee, Kevin McDonald, Gary Seitz, Thomas Puleo, John J. Lynch (1-20-17). (D., Stacey) (Entered: 01/20/2017)
01/20/2017	<u>38</u>	Court's Certificate of mailing of Notice of Appeal : CC: Judge Chan, U.S. District Court, United States Trustee, Jennifer Schultz, Kevin McDonald, Thomas Puleo, Gary Seitz, John J. Lynch. (related document(s) <u>37</u>). (D., Stacey) (Entered: 01/20/2017)
01/20/2017	<u>39</u>	Transmission of Notice of Appeal to District Court (related document(s) <u>37</u>). (D., Stacey) (Entered: 01/20/2017)
01/22/2017	<u>40</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>38</u>)). No. of Notices: 3. Notice Date 01/22/2017. (Admin.) (Entered: 01/23/2017)
01/23/2017	<u>41</u>	Original Notice of Appeal Filed by John J. Lynch . (D., Stacey) (Entered: 01/25/2017)
01/25/2017	<u>43</u>	Copy of Petition to Proceed In Forma Pauperis Filed by John J. Lynch . (D., Stacey) (Entered: 01/26/2017)
01/25/2017	<u>44</u>	Copy of Motion/Petition to Consolidate for Appeal Filed by John J. Lynch . (D., Stacey) (Entered: 01/26/2017)

01/26/2017	42	Notice of Docketing Record on Appeal to District Court. Case Number: 17-0312, Judge Pratter (related document(s) <u>37</u>). (D., Stacey) (Entered: 01/26/2017)
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A TRUE COPY CERTIFIED
TO FROM THE RECORD

DA-ED: 17-0312

ATTEST: [Signature]

Deputy Clerk

U.S. District Court

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
ROBERT N.C. NIX BUILDING
900 MARKET STREET
SUITE 400
PHILADELPHIA 19107-4299

Timothy B. McGrath
Clerk

Telephone
(215) 408-2800

January 27, 2017

Re: John J. Lynch
vs.
Evelyn Rivera
Bank of America
Bayshore Loan Servicing
KML Group, Inc.
Bankruptcy No.: 16-16269AMC Adversary 16-301
Civil Action No. 16-5493

Dear Mary C. Barkman, Clerk of Court:

We herewith transmit the following document(s) filed in the above matter(s), together with a certified copy of the docket entries:

- ☐ Certificate of appeal from order entered by the Honorable .
Notice of appeal filing fee ☐paid ☐not paid
- ☐ Designation of Record on Appeal Filed
- ☐ Designation of Record on Appeal Not Filed
- ☐ Supplemental certificate of appeal.
- ☐ Motion for leave to appeal filed .
☐ Answer to motion filed .
- ☐ Proposed findings of fact and conclusions of law entered by the Honorable .
☐ Objections filed .
- ☐ Report and recommendation entered by the Honorable .
☐ Objections filed .
- ☐ Original record transferred to the District Court pursuant to the order of the Honorable .
- ☒ Other: Petition to Proceed In Forma Pauperis and Motion/Petition to Consolidate for Appeal

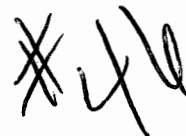
Kindly acknowledge receipt on the copy of the letter provided.

For the Court

Timothy B. McGrath
Clerk

Stacey

By: _____
Deputy Clerk



Received Above material or record tile this _____ day of _____, 20 _____ .

Civil Action No. _____ Signature: _____

Miscellaneous No. _____ Date: _____

Assigned to Judge _____